

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:12-CR-39-F-1

UNITED STATES OF AMERICA

v.

BILLY DELOEN GOFF

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**ORDER**

This matter is before the court on various motions filed by Defendant Billy Deloen Goff: Motion to Reconsider and Modify Judgment [DE-61], Motion for Extension of Time to File Notice of Appeal [DE-63], Motion to Seal [DE-64]; and Motion to Lift Stay as Improvidently Granted [DE-69].

For good cause show, the Motion to Seal [DE-64] is ALLOWED. The Clerk of Court is DIRECTED to file and to maintain under seal the document [DE-62] and its accompanying Exhibits.

The Motion for Extension of Time to File Notice of Appeal [DE-63] and Motion to Lift Stay as Improvidently Granted [DE-69] are DISMISSED AS MOOT. The court lifts the stay previously imposed on March 10, 2015, when the defendant filed an appeal with the Fourth Circuit Court of Appeals. The defendant has since voluntarily dismissed his appeal.

As to the Motion to Reconsider and Modify Judgment [DE-61], that motion is DENIED. On February 18, 2015, this court held a hearing on the government's Motion for Revocation of Supervised Release. During that hearing, the defendant requested that the court impose a program of long-term inpatient substance abuse and mental health treatment instead of an active sentence. The court understood that it had the authority to modify the conditions of the defendant's release. However, the court had concerns (1) about who would pay for the

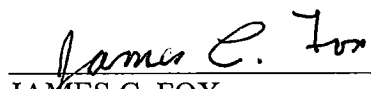
defendant's proposed inpatient treatment; (2) about giving an order to a treatment center located outside the Eastern District of North Carolina—and thus not before the court nor subject to it—to notify the probation officer if the defendant were to leave the treatment center; and (3) about how to further structure court supervision if the defendant were to attend a treatment program outside of the Eastern District of North Carolina. When the defendant was unable to provide a written plan for such a course of treatment, the court revoked the defendant's probation and sentenced him to nine months imprisonment plus three years of supervised release. The court directed the defendant's counsel to provide further information to address the court's concerns. Counsel has not done so to the court's satisfaction.

The court had discretion to modify the conditions of the defendant's supervised release and exercised that discretion. The Motion to Reconsider and Modify Judgment [DE-61] is DENIED.

For the reasons stated herein, the Motion to Reconsider and Modify Judgment [DE-61] is DENIED; the Motion to Seal [DE-64] is allowed; and the Motion to Lift Stay as Improvidently Granted [DE-69] and Motion for Extension of Time to File Notice of Appeal [DE-63] are DISMISSED AS MOOT. The Clerk of Court is DIRECTED to file and to maintain under seal the document [DE-62] and its accompanying Exhibits.

SO ORDERED.

This, the 11<sup>th</sup> day of August, 2015.

  
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JAMES C. FOX  
Senior United States District Judge